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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 IN AND FOR THE COUNTY OF SANTA CLARA

16
17 STAND FOR SAN JOSE; EILEEN
HANNAN; MICHELLE BRENOT;
18 ROBERT BROWN; KAREN SHIREY;
FRED SHIREY; and ROBERT SHIELDS,

19 Petitioners and Plaintiffs,

20 v.

21 CITY OF SAN JOSE; CITY COUNCIL OF
THE CITY OF SAN JOSE;
22 REDEVELOPMENT AGENCY OF THE
CITY OF SAN JOSE; DIRIDON
23 DEVELOPMENT AUTHORITY; DOES 1
through 10, inclusive,

24 Respondents and Defendants.
25

26 ATHLETICS INVESTMENT GROUP LLC;
DOES 11 through 20, inclusive,

27 Real Parties in Interest.
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PILLSBURY WINTHROP SHAW PITTMAN LLP
RONALD E. VAN BUSKIRK (SBN 64683)
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Stand for San Jose, Eileen Hanna, Michelle Brenot,
Robert Brown, Karen Shirey, Fred Shirey, and
Robert Shields

(ENDORSED)
FILED

MAR 11 2014

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY Sylvia Roman DEPUTY
Courtroom Clerk

Case No. 111-CV-214196, related to and
consolidated with

Case No. 113-CV-250372

STIPULATION REGARDING
SCHEDULE FOR PLEADINGS AND
CERTIFICATION OF THE RECORD
IN SFSJ II, AND BRIEFING
SCHEDULE IN BOTH CASES; AND
[PROPOSED] ORDER

Trial Date: August 8, 2014

Trial Time: 9:00 a.m.

Dept. 21

Judge: Honorable Joseph Huber

Actions Filed: 12/2/2011; 7/31/13

1 WHEREAS, on December 2, 2011, Petitioners filed a petition for writ of mandate
2 and complaint for declaratory relief in Case No. 111-CV-214196, and on December 7,
3 2011, Petitioners filed an amended petition and complaint in such case ("First Petition");

4 WHEREAS, on July 30, 2013, Petitioners filed a new petition and complaint, Case
5 No. 113-CV-250372 ("Second Petition") challenging the Diridon Development Authority's
6 transfer of the Diridon Property to the Successor Agency subject to the Option Agreement;

7 WHEREAS, on August 13, 2013, the Court related and consolidated the First and
8 Second Petitions;

9 WHEREAS, at the Case Management Conference on February 14, 2014, the Court
10 set these consolidated cases for trial on August 8, 2014, at 9:00 a.m.;

11 WHEREAS, the parties desire to stipulate to a schedule for pleadings and
12 certification of the record on the Second Petition, as well as a schedule for consolidated
13 briefing on the two petitions;

14 NOW, THEREFORE, Petitioners, Respondents and Real Party, through their
15 undersigned counsel, stipulate as follows:

16 1. PLEADINGS ON SECOND PETITION.

17 On March 3, 2014, Petitioners provided a copy of their proposed amended Second
18 Petition (amended to reflect the activities of the Respondents during the LRPMP process) to
19 Respondents and Real Party. Petitioners shall file their amended Second Petition forthwith
20 after this Stipulation and Order is entered. Respondents and Real Party shall respond to the
21 Second Petition by no later than April 2, 2014.

22 2. SETTLEMENT CONFERENCE.

23 The parties already participated in a settlement conference on the First Petition in
24 accordance with Public Resources Code § 21167.8 of the California Environmental Quality
25 Act ("CEQA"). Because the Second Petition is closely related to and consolidated with the
26 First Petition, the parties agree that a further settlement conference on the Second Petition
27 would be unnecessary and futile.

28

1 3. CERTIFICATION OF RECORD ON SECOND PETITION.

2 Respondents shall assemble and certify the record on the Second Petition within
3 thirty (30) days after service of the amended Second Petition.

4 4. MOTIONS CONCERNING RECORD ON SECOND PETITION.


5 Any party may file a motion to augment the record, correct the record and/or strike
6 documents from the record within 14 days after certification of the record, provided
7 however, that no party shall be prevented from filing a motion, for good cause shown, to
8 augment or correct the record at a later time to include documents obtained by
9 Respondents, Petitioners or Real Party after the filing of this Stipulation.

10 5. OPENING BRIEF.

11 (a) Petitioners' opening brief shall be filed and served no later than May 14,
12 2014.

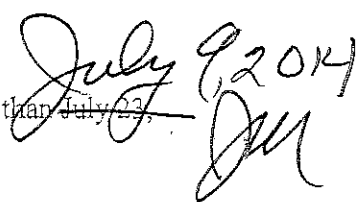
13 (b) Petitioner's opening brief shall not exceed fifty (50) pages in length.

14 6. OPPOSITION BRIEF(S).

15 (a) Respondents and Real Party shall file and serve their opposition brief(s) no
16 later than ~~June 25, 2014~~ June 18, 2014 

17 (b) The number of pages of the opposition brief(s) filed by Respondents and
18 Real Party shall not exceed eighty (80) pages in total. Respondents and Real
19 Party may, if they elect to do so, file a single joint opposition brief.

20 7. REPLY BRIEF.

21 (a) Petitioners shall file and serve a single reply brief by no later than ~~July 23,~~
22 2014. 

23 (b) Petitioners' reply brief shall not exceed thirty (30) pages in length.

24 8. SERVICE OF PAPERS.

25 All briefs and supporting papers shall be served as follows: (a) e-mail attachment on
26 the date due for service, and (b) hard-copy form by overnight delivery for arrival no later
27 than on the morning of the day following the date due for service. If copies of record
28

1 documents are provided to the court by any party, a copy of those documents shall be
2 served by overnight delivery only.

3 9. CASE MANAGEMENT CONFERENCE.

4 In light of the briefing and hearing schedule set forth herein, the parties propose, and
5 the Court finds, that a further Case Management Conference is not necessary in this matter.

6 10. TRIAL DATE.

7 The trial of these consolidated actions shall take place on August 8, 2014, at 9:00
8 a.m., as ordered by this Court at the Case Management Conference on February 14, 2014.

9 11. MODIFICATIONS TO BRIEFING AND HEARING SCHEDULE.

10 Consistent with the requirement that CEQA actions be quickly heard and
11 determined, modifications to this schedule shall be made only for good cause shown.

12 [Signatures on next page]
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1 IT IS SO STIPULATED.

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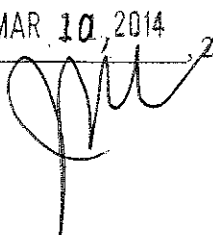
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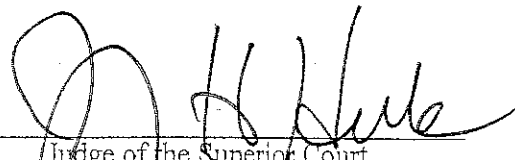
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19 Attorneys for Real Party in Interest

20 By 

21 IT IS SO ORDERED.

22 Dated: MAR 10, 2014, 2014.




Judge of the Superior Court
JUDGE JOSEPH H. HUBER